

REMARKS

This Application has been carefully reviewed in light of the Official Action issued September 18, 2007. Claims 1-20 are currently pending in this Application. In order to advance prosecution of this Application, Claims 1-3, 6, 11-13, and 16 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 11-15 stand objected to for a minor formality. Claim 11 has been amended to address the minor informality identified by the Examiner.

Claims 6-10 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 6 has been amended to address matters raised by the Examiner. Therefore, Applicant respectfully submits that Claims 6-10 are in accordance with 35 U.S.C. §112, second paragraph.

Claims 1, 2, 11, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ono, et al. in view of Pyhalammi, et al. and further in view of Mukuoyama, et al. Independent Claims 1, 11, and 16 recite in general an ability to selectively pair a long cell from any one of the long cell queues with a short cell from any one of the short cell queues during the write cycle. By contrast, none of the Ono, et al. patent, the Pyhalammi, et al. patent, and the Mukuoyama, et al. application provide a capability to selective pair cells from any queues as provided in the claimed invention. The Ono, et al. patent at best discloses pairing a long cell with a short cell obtained from the same packet. However, there is no capability to selectively pair a long cell from any one of a plurality of long cell queues with a short cell from any one of a plurality of short cell queues during the write cycle as provided by the claimed invention. Support for the above recitation can be found at page 4, lines 2-12, and page 12,

lines 4-17, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1, 2, 11, and 16 are patentably distinct from the proposed Ono, et al. - Pyhalammi, et al. - Mukuoyama, et al. combination.

Claims 5 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ono, et al. in view of Pyhalammi, et al. and Mukuoyama, et al. and further in view of Sindhu, et al. Independent Claim 1, from which Claim 5 depends, and Independent Claim 11, from which Claim 15 depends, have been shown above to be patentably distinct from the proposed Ono, et al. - Pyhalammi, et al. - Mukuoyama, et al. combination. Moreover, the Sindhu, et al. patent does not include any additional disclosure combinable with any of the Ono, et al. patent, the Pyhalammi, et al. patent, and the Mukuoyama, et al. application that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 5 and 15 are patentably distinct from the proposed Ono, et al. - Pyhalammi, et al. - Mukuoyama, et al. - Sindhu, et al. combination.

Claims 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ono, et al. in view of Pyhalammi, et al. and Mukuoyama, et al. and further in view of Magill, et al. Independent Claim 16, from which Claims 17-20 depend, has been shown above to be patentably distinct from the proposed Ono, et al. - Pyhalammi, et al. - Mukuoyama, et al. combination. Moreover, the Magill, et al. patent does not include any additional disclosure combinable with any of the Ono, et al. patent, the Pyhalammi, et al. patent, and the Mukuoyama, et al. application that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 17-20 are patentably distinct

from the proposed Ono, et al. - Pyhalammi, et al. - Mukuoyama, et al. - Magill, et al. combination.

Applicant notes with appreciation the allowability of Claims 3, 4, 6-10, and 12-14 if placed into appropriate independent form. Claims 3, 6, 12, and 13 have been placed into independent form in the manner suggested by the Examiner. Therefore, Applicant respectfully submits that Claims 3, 4, 6-10, and 12-14 are in condition for allowance.

With the presentation of four new independent claims, an additional filing fee is due. The Commissioner is authorized to charge Deposit Account No. 02-0384 an amount of \$840.00 to satisfy the excess independent claims fee of 37 C.F.R. §1.16(h).

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13

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If there are matters that can be discussed by telephone to advance prosecution of this Application, Applicant invites the Examiner to contact the undersigned attorney at the number provided below.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

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